

## § 116.50

work progresses to the extent that funds have been appropriated.

[CGD 91-063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96-026, 61 FR 33664, June 28, 1996]

### § 116.50 Apportionment of costs under the Truman-Hobbs Act.

(a) In determining the apportionment of costs, the bridge owner must bear such part of the cost attributable to the direct and special benefits which will accrue to the bridge owner as a result of alteration to the bridge, including expected savings in repairs and maintenance, expected increased carrying capacity, costs attributable to the requirements of highway and railroad traffic, and actual capital costs of the used service life. The United States will bear the balance of the costs, including that part attributable to the necessities of navigation.

(b) "Direct and special benefits" ordinarily will include items desired by the owner but which have no counterpart or are of higher quality than similar items in the bridge prior to alteration. Examples include improved signal and fender systems, pro rata share of dismantling costs, and improvements included, but not required, in the interests of navigation.

(c) During the development of the Apportionment of Costs, the bridge owner will be provided with an opportunity to be heard. Proportionate shares of cost to be borne by the United States and the bridge owner are developed in substantially the following form:

Total cost of project \_\_\_\_\_ \$ \_\_\_\_\_  
Less salvage \_\_\_\_\_ \$ \_\_\_\_\_  
Less contribution by third party \_\_\_\_\_  
\$ \_\_\_\_\_  
Cost of alteration to be apportioned \_\_\_\_\_  
\$ \_\_\_\_\_  
Share to be borne by the bridge owner:  
Direct and Special Benefits:  
a. Removing old bridge \_\_\_\_\_ \$ \_\_\_\_\_  
b. Fixed charges \_\_\_\_\_ \$ \_\_\_\_\_  
c. Betterments \_\_\_\_\_ \$ \_\_\_\_\_  
Expected savings in repair or maintenance costs:  
a. Repair \_\_\_\_\_ \$ \_\_\_\_\_  
b. Maintenance \_\_\_\_\_ \$ \_\_\_\_\_  
Costs attributable to requirements of railroad and/or highway traffic \_\_\_\_\_  
\$ \_\_\_\_\_

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Expenditure for increased carrying capacity  
\_\_\_\_\_ \$ \_\_\_\_\_

Expired service life of old bridge \_\_\_\_\_  
\$ \_\_\_\_\_

Subtotal \_\_\_\_\_ \$ \_\_\_\_\_  
Share to be borne by the bridge owner  
\_\_\_\_\_ \$ \_\_\_\_\_

Contingencies \_\_\_\_\_ \$ \_\_\_\_\_  
Total \_\_\_\_\_ \$ \_\_\_\_\_

Share to be borne by the United States  
\_\_\_\_\_ \$ \_\_\_\_\_

Contingencies \_\_\_\_\_ \$ \_\_\_\_\_  
Total \_\_\_\_\_ \$ \_\_\_\_\_

(d) The Order of Apportionment of Costs will include the guaranty of costs.

### § 116.55 Appeals.

(a) Except for the decision to issue an Order to Alter, if a complainant disagrees with a recommendation regarding obstruction or eligibility made by a District Commander, or the Administrator, Bridge Administration Program, the complainant may appeal that decision to the Deputy Commandant for Operations.

(b) The appeal must be submitted in writing to the Assistant Commandant for Operations, U.S. Coast Guard, (CG-3), 2100 2nd St. SW., Stop 7238, Washington, DC 20593-7238, within 60 days after the District Commander's or the Administrator's, Bridge Administration Program decision. The Deputy Commandant for Operations will make a decision on the appeal within 90 days after receipt of the appeal. The Assistant Commandant for Operations' decision of this appeal shall constitute final agency action.

(c) Any Order of Apportionment made or issued under section 6 of the Truman-Hobbs Act, 33 U.S.C. 516, may be reviewed by the Court of Appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for review is filed within 90 days after the date of issuance of the order. The review is described in section 10 of the Truman-Hobbs Act, 33 U.S.C. 520. The review proceedings do not operate as a stay of any order issued under the Truman-Hobbs Act, other than an order of apportionment,

nor relieve any bridge owner of any liability or penalty under other provisions of that act.

[CGD 91-063, 60 FR 20902, Apr. 28, 1995, as amended by CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997; USCG-2008-0179, 73 FR 35013, June 19, 2008; USCG-2010-0351, 75 FR 36283, June 25, 2010]

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

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- 117.51 General
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#### ALABAMA

- 117.101 Alabama River.
- 117.103 Bayou La Batre.
- 117.105 Bayou Sara.
- 117.107 Chattahoochee River.
- 117.109 Coosa River.
- 117.113 Tensaw River.

- 117.115 Three Mile Creek.

#### ARKANSAS

- 117.121 Arkansas River.
- 117.123 Arkansas Waterway-Automated Railroad Bridges.
- 117.125 Black River.
- 117.127 Current River.
- 117.129 Little Red River.
- 117.131 Little River.
- 117.133 Ouachita River.
- 117.135 Red River.
- 117.137 St. Francis River.
- 117.139 White River.

#### CALIFORNIA

- 117.140 General.
- 117.141 American River.
- 117.143 Bishop Cut.
- 117.147 Cerritos Channel.
- 117.149 China Basin, Mission Creek.
- 117.150 Connection Slough.
- 117.151 Cordelia Slough (A tributary of Suisun Bay).
- 117.153 Corte Madera Creek.
- 117.155 Eureka Slough.
- 117.157 Georgiana Slough.
- 117.159 Grant Line Canal.
- 117.161 Honker Cut.
- 117.163 Islais Creek (Channel).
- 117.165 Lindsey Slough.
- 117.167 Little Potato Slough.
- 117.169 Mare Island Strait and the Napa River.
- 117.171 Middle River.
- 117.173 Miner Slough.
- 117.175 Mokelumne River.
- 117.177 Mud Slough.
- 117.179 Newark Slough.
- 117.181 Oakland Inner Harbor Tidal Canal.
- 117.183 Old River.
- 117.185 Pacheco Creek.
- 117.187 Petaluma River.
- 117.189 Sacramento River.
- 117.191 San Joaquin River.
- 117.193 San Leandro Bay.
- 117.195 Snodgrass Slough.
- 117.197 Sonoma Creek.
- 117.199 Steamboat Slough.
- 117.201 Sutter Slough.

#### CONNECTICUT

- 117.202 Cold Spring Brook.
- 117.205 Connecticut River.
- 117.207 Housatonic River.
- 117.209 Mianus River.
- 117.211 Mystic River.
- 117.213 New Haven Harbor, Quinnipiac and Mill Rivers.
- 117.215 Niantic River.
- 117.217 Norwalk River.
- 117.219 Pequonnock River.
- 117.221 Saugatuck River.
- 117.223 Shaw Cove.
- 117.224 Thames River.
- 117.225 Yellow Mill Channel.